



Roles and Responsibilities of Court Administrative Managers

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1. EXECUTIVE SUMMARY

The Rule of Law Program in Kingdom of Jordan, now in its second phase, includes a critical Court Administration component. Not only is professional administration of non-judicial court matters recognized as an international best practice; it is also particularly beneficial to the Kingdom of Jordan. Institutionalizing court administrative management will assist the Judiciary in its goal of delivering timely justice, and it will provide a level of continuity of management that might otherwise be diminished in a judicial system where both Chief Judges and Court Administrative Managers transfer frequently among different courts.

The Principles and Assumptions, Points of Agreement, Mirrored Concerns, Areas for Further Discussion, and Recommendations and Conclusions set forth in this report are based upon interviews and observations, Court Administration Workshop outcomes, and upon the professional experience of the author/consultants.

Court administrative managers currently assigned to the six largest First Instance Courts in the Kingdom of Jordan have held their positions for periods of time as little three months to as much as one year. The practical experience gained from this is quite valuable in identifying issues and suggesting changes that will strengthen the program. In this way, the implementation of the Court Administration program is similar to any new program instituted in any complex organization. With experience comes wisdom.

The issues identified by the Chief Judges, the Court Administrative Managers (Court administrative managers and Chiefs of Diwan), and by the Ministry of Justice are related to three primary areas:

Clear delineation of roles and responsibilities, duties and authorities;

Reporting structures within the Courts and between the Courts and the Ministry of Justice;

Support mechanisms – practical and structural – that will assist the Court Administrative Managers to effectively execute their duties.

It is within this framework that we offer observations and recommendations to improve the Court Administration program in support of Jordan's Rule of Law Project.

2. INTRODUCTION

This report sets forth the findings, conclusions and recommendations of the consultants supporting the Court Administration Component of the Jordan Rule of Law Project. Findings are based upon interviews with Chief Judges, Court administrative managers, and Chiefs of Diwan, and upon the outcomes of the a



recent Court Administration Workshop attended by 17 Chief Judges, all 6 Court administrative managers, 17 Chiefs of Diwan, and 3 representatives of the Ministry of Justice. Recommendations and Conclusions are additionally based upon international best practices, and upon the practical experiences of the consultants.

3. PRINCIPLES AND ASSUMPTIONS

Observations and recommendations included in this report are based upon the following principles and assumptions:

- Professional administration in the courts of the Kingdom of Jordan will assist the judiciary in delivering timely justice.
- The Court Administration component of Jordan's Rule of Law Project is critical to the success of the entire project.
- Roles, responsibilities, and authorities of court administrative leaders (Court administrative managers and Chiefs of Diwan), Chief Judges, judges, and non-judicial staff must be clearly defined and understood by all.
- Administrative services must be delivered in a manner that ensures transparency of the court system, and upholds the dignity and culture of the court.¹
- The Chief Judge has ultimate authority for the operations and effectiveness of the courts, and therefore determines the degree of direct supervision over court administrative managers; the level of supervision will likely change in tandem with the trust and confidence of the Chief Judge in the court administrative manager.

4. BACKGROUND

In General

December 2008 started the second phase of the Rule of Law Program (ROLP), funded by US Agency for International Development, to continue its work implementing a reform strategy which was developed by the Ministry of Justice.

ROLP's plan included the implementation of a profession court administration program designed to assist the chief judges to manage their courts efficiently and enhance their performance of their judicial tasks.

¹ Transparency includes, but is not limited to openness and accountability in decision making (in criteria and execution), and – in the courts – keeping the open records open and readily available, and providing data and information related to the execution of the court's public business.



Earlier in 2007, the MOJ had hired the first professional court administrative manager in the Jordanian courts, and has since appointed court administrative managers to the six largest First Instance Courts. Prior to that, the chief judges were responsible for managing both the administrative and judicial functions of their courts. Lack of support created a challenge for the chief judges whose responsibilities were growing and the complexity of their tasks was increasing.

The newly appointed court administrative managers were faced with resistance from both the chief judges and court staff in most of the courts.

The role and authorities of a court administrative manager were not well defined, and therefore the new role of the Court Administrator was, unfortunately, perceived by a number of the chief judges as infringing upon the authority of the Chief Judge.

Since the performance of the court is highly dependent on level of coordination among chief judges and court administrative managers, ROLP decided to conduct a workshop which aimed at defining the role of the court administrative manager in the Jordanian Courts.

Court Administration Workshop

On April 10 and 11, 2009, the Rule of Law Project conducted a joint workshop attended by Chief Judges, Court Administrative Managers, and representatives from the Ministry of Justice. The purpose of the workshop was to discuss the roles of both Chief Judges and Court Administrative Manager, and how those two positions can forge teams that effectively manage the operations and outcomes of the Courts throughout the Kingdom of Jordan.

The plenary session began with a discussion of the common experiences of court systems throughout the world and how these common experiences had resulted in a need to develop professional court administration, and eventually to a set of best practices that continues to be enhanced as programs mature. This was followed by a discussion of the basic definition of items generally considered to be part of court administration as well as the personal and professional skills needed by a Court administrative manager.

Then there was a discussion of the role of the Chief Judge and the Court administrative manager and a review of comparative legal systems throughout the world and how they each use administrative positions to handle the administrative duties within their courts. The first day concluded with a demonstration of various scenarios illustrating the relationship between the Chief Judge and the Court administrative manager, and providing a framework for sharing ideas and experiences.

The second day the group was divided into break-out sessions of Chief Judges in one group and Court administrative managers in a second group to discuss how to make court administration work and what makes an effective court administrative manager.

The Chief Judges discussed their experiences to date with court administrative managers and made a list of those functions that the Court administrative manager should be able to perform and that they would be willing to delegate to the court administrative manager. They made a list of both judicial functions and administrative functions that they felt should remain with the Chief Judge and not be delegated to the Court administrative manager. They discussed the qualifications they would like a Court administrative manager to have and what information they would have – or like to have – in the evaluation of the Court



administrative manager's performance. They also raised concerns about the Chief Judges' role in the selection of their Court administrative manager.

The Court Administrative Managers structured their discussion around a framework of generally accepted definitions of roles, responsibilities, core competencies, and personal and professional qualities of court administrative managers – by whatever title they may be known in different countries and different legal systems.

While the extent to which any CAMs are granted practical authority by their Chief Judges varies by court, it was clear from the exchange of information and experience that all but one (legal research/advisory services) of the 12 best practices are applicable – and many are already in practice in the Jordanian Courts. But the practice is inconsistent and ad hoc.

Also clear was a firm agreement that the personal and professional qualities of Court administrative managers are applicable to CAMs in Jordan.

Perhaps most striking in the analysis of the points of agreement, conflict, and “gray areas” is that even the points of current conflict are identified as requiring common and straightforward solutions that are within the means of the ROLP Court Administration Unit to deliver. *Two of each groups' three primary needs are identical.*

5. POINTS OF AGREEMENT

a. Roles and Responsibilities of Court Administrative Managers (CAM)

The consultants, the Judges, the CAMs, and the Ministry of Justice are agreed upon eleven of twelve best practices.² Legal research and advisory services – the only point not listed below – is omitted because the line of demarcation for CAMs in Jordan is drawn at judicial functions, and legal research is defined as a judicial function.

The following list is divided into those duties that are foundational in immediate and daily support of court operations, and those that are more advanced competencies within the discipline of professional management. Together, they form the core set of roles and responsibilities of Court administrative managers.

It should be noted that ultimate responsibility for any of the areas listed rests with the Chief Judge. It is therefore reasonable to anticipate varied degrees of supervision as the court administrative manager earns the trust and confidence of the Chief Judge through competently and consistently performing these duties. It is equally important that Chief Judges allow the court administrative managers to build this competence through performance of these duties.

² National Association for Court Management “Core Competencies” and “The Court Administrator, A Manual”



Foundational Responsibilities

- **Human Resources**
Management of non-judicial staff, organizational charts, employee evaluations, training plans, employee development and discipline
- **Facilities and Logistics Management**
Supplies, maintenance, contract supervision, capital improvement supervision
- **Direct Support of the Judiciary through the Chief Judge**
Courtroom support, computer and system issues, training of court support staff, consistent assignment of courtroom staff to the extent practical, in coordination with the Chief Judge and MOJ
- **Quality Assurance**
This includes not only accuracy of individual work product, but also maintaining transparency throughout the court system
- **Customer Service**
Impartially rendered services delivered promptly, professionally and consistently – recognizing that delivery of justice is the shared goal, and the public is the ultimate customer

Advanced Responsibilities

- **Strategic Planning**
Vision, goals, objectives, strategies, and tasks prepared in conjunction with the chief judge to plan for the future of the court. This incorporates all other areas of responsibility – administrative and judicial. In the Jordanian courts this is tied to the executive plan.
- **Budget and Finance**
Planning, qualifying, documenting the operating needs of the court within a structured budgeting process administered by MOJ; tracking expenditures against projections; oversight of financial transaction in the court
- **Caseflow Management**
Assisting the judiciary, through the Chief Judge, by providing information related to active judicial management of cases from initial registration through final resolution
- **Information Technology Management**
Understanding of technology structure and use, and data analysis required to support effective court operations – administrative and judicial
- **Inter-governmental Relationships**
Acting as liaison with MOJ and other Ministries, Police, bar associations, and other agencies as needed



- Communications/Community Relations
This will include community outreach initiatives promoted by the Ministry of Justice, and local programs supported by the courts (for example, student visits to court)

The Rule of Law Program will support and enhance the capability of court administrative managers to execute this range of responsibilities, to demonstrate these personal and professional qualities, by providing advanced training, practice guides, mechanisms and tools that will assist well qualified people to do their jobs well.

In this approach, the courts will maintain options for monitoring and oversight, recognizing the authority of the Chief Judge, and the support of the Ministry of Justice.

b. Personal and Professional Qualities of Effective Court Managers

Beyond these points of technical proficiency, a court administrative manager must also possess and apply the following personal and professional qualities:

Applied Capabilities

Accountability

Trustworthiness/Ethical Execution of Duties

Adaptability

Leadership

Delegation

Teamwork

Communication

Interpersonal Communications

Negotiation

Motivation/Goal Setting

Diplomacy

c. Roles and Responsibilities of Chief Judges

The following list of Chief Judge duties, compiled during the Judges' breakout session, is not intended to be comprehensive. It includes both judicial and administrative functions that Chief Judges said they would not delegate to administrative managers – whether by law or by personal preference. It has not been vetted by the Judicial Council, and there is no job description available to the consultants by which to verify these points.



Judicial Functions

Preside over cases
Issue judgments

Management of Judges

Supervise other judges
 Monitor judicial performance
 Monitor leave
 Evaluation form with 10 items to track
 Direct supervision of work
 Handle customer complaints about judges
 Handle staff complaints about other judges
 Look over their cases decisions

Distribute caseload
 Amend if needed due to conflict – i.e. family relationship
 Special assignment of complex case
 Special assignment of case requiring specialized knowledge

Approve judicial leave (as delegated from Chief Justice)

Prepare monthly report of judges

Report judicial evaluation results to Judicial Inspection Directorate

Communications

Official correspondence with other Chief Judges

Official correspondence with the Ministry of Justice and other ministries

Send Ministry of Justice requirements for staff
 Chief Justice does cover letter

Report to the Judicial Council – a key relationship

Strategic plan

External relations with media

Budget
 Signs and submits budget – requires review

Management of Court administrative manager



Review administrative decisions

Review personnel decisions

Endorsement of staff leave

Resolve problems between Court administrative manager and other judges

Resolve problems between Court administrative manager and staff

Evaluation of Court administrative manager

Quality assurance

All affairs of court even if duties have been delegated

Review

Finalize

Approve

6. MIRRORED APPREHENSION AND SHARED CONCERNS

As mentioned in the introduction to this report, there is tremendous concern among the judiciary and the administrative managers that the lack of clarity and guidance in the new court administration program creates confusion and uncertainty throughout their courts, and puts them in positions of professional risk and frustration.

At first impression, it might seem that these groups are divided. In fact, an examination of the top three concerns/requests from each group show that they are in fact united – not only in the shared purpose of delivering justice, but also in identifying the challenges to the effective implementation of the court administration program.

Two of the three challenges from both groups are identical.

a. From Chief Judges

- Input on Qualification and Selection of Court administrative manager
- Roles, Responsibilities, and Authorities of Chief Judges, Court administrative managers, and Chiefs of Diwan
- Evaluation Criteria, Mechanisms, and Outcomes

b. From Court Managers

- Reporting Structure of Non-Judicial Staff



- Roles, Responsibilities, and Authorities of Chief Judges, Court administrative managers, and Chiefs of Diwan
- Evaluation Criteria, Mechanisms, and Outcomes

7. AREAS OF ADDITIONAL DISCUSSION/CLARIFICATION

As could be expected of any new strategic organizational program, the court administration program will undergo changes that best support the purpose of the organization – in this case, the ability of courts to deliver justice. Many of the areas identified as requiring further clarification have been mentioned elsewhere in this report, and all will be addressed in the Recommendations. They include:

- The input a Chief Judge may have in the selection and evaluation of a Court administrative manager;
- The role of Court administrative manager and Chief of Diwan in courts that have both;
- The role of Chief of Diwan in courts without a court administrative manager – in light of the existence of a professional administration program;
- A minimum set of responsibilities and authorities of a Court administrative manager;
- Clear organizational charts that provide the reporting structure for all employees in the Court – judicial and non-judicial -- and that are followed in practice;
- The recourse and resolution mechanisms available to Chief Judges and court administrative managers when delegation or performance of duties is not aligned with minimum requirements;
- The reporting and working relationship between court administrative managers with the Ministry of Justice;
- The establishment of a career path within the courts that will qualify employees for promotion to positions of continuously expanding responsibility;
- The availability of specialized administrative support staff (technical, financial, etc.) to courts in general, but small courts in particular;
- A mechanism to assess the knowledge, skills and abilities of court administration candidates – whether from within the courts or from outside the courts;
- Clear and consistent procedures to support the Ministry of Justice’s plan for decentralized management, and “bottom up” rather than “top down” planning and budgeting;



- A continuing forum for exchange of information, and adoption of enhancements to the court administration program.

8. RECOMMENDATIONS

These recommendations address the issues raised by judges and court administrative managers in interviews and in the Court Administration Workshop. They also include issues identified by the consultants in observation and study of the Jordanian Courts.

Input a Chief Judge may have in the selection and evaluation of a Court administrative manager;

Recommendation:

- The Ministry of Justice should provide a mechanism for Chief Judge input into the qualification and selection process for new Court Administrative Manager. Options may include, but are not limited to:
 - Selecting three qualified candidates to form a panel of finalists from which the Chief Judge may select the CAM;
 - Including representatives of the Chief Judges on a committee that analyzes candidates and selects CAMs
 - Publish a detailed explanation of the qualifying and selection process to the Chief Judges.

Accommodation of Chief Judge preferences in recruitment of a Court administrative manager (for example, inclusion of candidates without legal backgrounds, but with strong administrative qualifications.);

Recommendation:

- Provide alternate/substitute criteria within job description (for example 5 years of court supervisory/management experience or 10 years of management experience in complex organization and an MBA)

Current job descriptions for Courts Administrators and Chiefs of Diwan are identical, and neither fully/accurately describes the current or intended organizational and operational states;

Recommendation:

- Update job descriptions of CMS and Chief of Diwan in alignment with agreed duties and organizational structures.

The role of Court administrative manager and Chief of Diwan in courts that have both;

Recommendation:



- Develop objective assessment criteria to determine whether the Chief of Diwan is qualified to serve as a Deputy Court Administrative Manager, reporting to the court administrative manager.
- Clarify “judicial” duties of the Chiefs of Diwan, and the reporting structure related to the performance of those duties.
- Ultimately, eliminate the title, but not the quasi-judicial or judicial duties of the Chiefs of Diwan. Consider segregating judicial and administrative duties to separate jobs, where feasible.

The role of Chief of Diwan in courts without a court administrative manager – in light of the existence of a professional administration program;

Recommendation:

- Continue with the long term plan to assign court administrative managers to all First Instance Courts and to Appeals Courts. During this transition period, adopt a region court administration support framework – for example, having the CAMs from the Appeals Courts provide advanced administrative assistance to the courts without CAMs.

A minimum set of responsibilities and authorities of a Court administrative manager;

Recommendation:

- Adopt the Roles and Responsibilities of Court administrative managers set forth in this report, with guidance to Chief Judges about executing levels of supervision.

The title “Court administrative manager” carries connotations of ultimate or exclusive authority – which belongs to the Chief Judge;

Recommendation:

- Change the title to “Court Administrative Manager”

Clear organizational charts provide the reporting structure for all employees in the Court – judicial and non-judicial, and that are followed in practice;

Recommendation:

- Develop detailed organization charts in alignment with Roles, Responsibilities, Authorities and Reporting Structures – and in consideration of court size and jurisdiction.

The recourse and resolution mechanisms available to Chief Judges and court administrative managers when delegation or performance of duties is not aligned with minimum requirements;

Recommendation:

- MOJ and the Judicial Council work together to adopt review processes and procedures to regularly assess whether administrative duties are being met, and whether the *authority* to perform those duties is being practically granted.



- Provide a structured process of resolution – either through MOJ for administrative duties not being met, or the Judicial Council for authority not being granted.

The reporting and working relationship between court administrative managers with the Ministry of Justice;

Recommendation:

- Clarify this reporting structure in job descriptions, and organizational charts.
- Disseminate this information to CAMs, Judges, and Court Staff.

The establishment of a career path within the courts that will qualify employees for promotion to positions of continuously expanding responsibility;

Recommendation:

- Develop guidelines and a structured program by which employees may gain additional responsibilities and experience, helping to qualify them for increasingly advanced management positions.
- In addition to the advanced courses that will be developed for court administrative managers, develop courses in basic competencies that are aligned with the structure of increasing responsibilities, and the KSA's required.
- Determine qualifications for employees other than CAMs to attend advanced training courses.

A mechanism to assess the knowledge, skills and abilities of court administration candidates – whether from within the courts or from outside the courts;

Recommendation:

- Develop a detailed set of KSAs (knowledge, skills, and abilities) for court administrative managers that are aligned with Roles and Responsibilities, and Personal and Professional Qualities.
- Develop objective performance measurements to assess the KSAs of court administrative managers.

The level of expertise among the current CAMs varies, and self-assessment of gaps in training or abilities may not be objective;

Recommendation:

- Use the performance measurement criteria to assess needs for additional advanced training.
- Develop advanced training programs – specific to the Jordanian Courts – for all areas listed in Roles and Responsibilities, and Personal and Professional Qualities.



The availability of specialized administrative support staff (technical, financial, etc.) to courts in general, but small courts in particular;

Recommendation:

- Clarify management support positions in organizational structures, and ensure that adequate support is provided.
- Create regional positions that will provide specialized support to smaller courts that do not have dedicated specialized management support.

Lack of practical instruction, forms, templates, procedures hampers execution of administrative duties;

Recommendation:

- Develop a practice guide aligned with Roles and Responsibilities that will include detailed instructions – appropriate to court size, jurisdiction, and organizational structure.
- Develop standard forms, templates, reports, and procedures where needed, and include these in the practice guides.

Clear and consistent procedures to support the Ministry of Justice's plan for decentralized management, and "bottom up" rather than "top down" planning and budgeting;

Recommendation:

- Include the procedures, forms, and instructions in the Practice Guide. Incorporate this information in training related to Human Resources, Budgeting and Finance, and Strategic Planning.

Unclear whether there will be a continuing forum for exchange of information, and adoption of enhancements to the Court Administration program;

Recommendation:

- Establish a committee with representation from the Ministry of Justice, the Judiciary and Court Administration that will:
- Adopt rules and guidelines for the court administration program;
- Oversee the implementation of the court administration program;
- Supervise the development and dissemination of materials and mechanisms that support the continued enhancement and institutionalization of the court administration program;
- Coordinate with the Judicial Council on issues related to court administration;



- Arrange, promote, and support periodic meetings of court administrative leaders to share information, success stories, challenges, and training that will enhance the effectiveness of the court administration program.

Court administration must be understood in the context of the relationship between the Chief Judge and the CAM, but there is no available job description for the Chief Judge – including judicial duties and administrative responsibilities;

Recommendation:

- Refer to the Judicial Council for development of Chief Judge job description.

9. CONCLUSION

The lack of clarity in “roles and responsibilities” and of objective, measurable criteria to assess both the performance of individual court administrative managers and success of the court administration program gives rise to understandable anxiety among the judiciary and among the administrative leaders of the court. Gaps in practical experiences and advanced training, and the lack of a full set of mechanisms and tools to perform administrative function compound the challenges faced by the courts. The consultants’ recommendations set forth in this report are based on international best practices and practical experience, and upon input gathered in workshops and interviews throughout the Kingdom of Jordan. They are intended to provide a foundation and structure that will serve the judiciary and court administrative leaders and their mutual goal of delivering justice.